

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 19, 1999
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Aide
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 12, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated October 12, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of one addition to the tax assessment rolls per Exhibit "A".
(19992083)**

MOTION: Workman moved and Heier seconded approval. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

**Blessed Sacrament School
Fresh Start, Inc.
Goodwill Industries Serving Southeast Nebraska, Inc.
Southeast Nebraska Mobile Diagnostic Services, Inc.**

MOTION: Steinman moved and Hudkins seconded approval of motor vehicle tax exemptions for Blessed Sacrament School, Fresh Start, Inc., Goodwill Industries Serving Southeast Nebraska, Inc. and Southeast Nebraska Mobile Diagnostic Services, Inc. On call Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **SETTING OF A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, November 2, 1999 at 2:30 p.m. in the County Commissioners Chambers for notice of valuation change for omitted or undervalued property for Kimberly Brown.

By direction of the Chair, a public hearing was set for Tuesday, November 2, 1999 at 2:30 p.m. in the County Commissioners Chambers for notice of valuation change for omitted or undervalued property for Kimberly Brown.

5) **SETTING OF A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, November 9, 1999 at 2:30 p.m. in the County Commissioners Chambers for notice of valuation change for omitted or undervalued property for University of Nebraska Tech Park LLC.

By direction of the Chair, a public hearing was set for Tuesday, November 9, 1999 at 2:30 p.m. in the County Commissioners Chambers for notice of valuation change for omitted or undervalued property for University of Nebraska Tech Park LLC.

The Chair recessed the Board of Equalization meeting until 2:30 p.m. when it was reconvened.

6) **APPEAL FILED ON PENALTY AGAINST PERSONAL PROPERTY:**

West Fork Nursery and Tree Care, Inc. (19992015)

Maggie McVicker, West Fork Nursery and Tree Care, Inc., appeared to appeal the penalty and gave a brief background regarding the situation.

Norm Agena, County Assessor, stated the penalty assessed would be ten percent. He explained the only thing which can be appealed is the calculation of the amount of the penalty.

MOTION: Steinman moved and Workman seconded to accept the Assessor's recommendation and assess a ten percent penalty on personal property for West Fork Nursery and Tree Care, Inc. On call Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **REMOVAL OF EXEMPTION ON REAL PROPERTY FOR 1999:**

Lincoln Habitat for Humanity

The Assessor recommended that the exemption be removed due to the property being sold in August, 1999.

MOTION: Steinman moved and Heier seconded to accept the Assessor's recommendation and remove the exemption on real property for 1999 for Lincoln Habitat for Humanity. On call Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

8) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

Pine Lake Development LLC

The Assessor recommended the value be set at \$209,700.

MOTION: Steinman moved and Heier seconded to accept the Assessor's recommendation and set the value at \$209,700 for Pine Lake Development LLC. On call Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

9) **APPEAL OF GREENBELT STATUS:**

Ward F Hoppe (19992021)

Ward Hoppe, 1600 Stoney Hill Road, Lincoln, NE appeared to appeal the greenbelt status of a parcel of land. He stated the property is agricultural ground and consists of four pastures, corrals, an orchard and a barn. There are horses and one mule on the property. Hoppe maintained that he raises livestock and grows agricultural products on the property.

He stated he doesn't sell his agricultural products, however, he did sell one horse. Hoppe stated that in the past they have baled hay from the pastures which would be an agricultural product.

Michael J Porkorny, real estate agent, appeared and stated he has seen the property in question and feels that the topography, the nature of the pasture is no different than farms that he sells or appraises in Lancaster County. His opinion is that the land is agricultural.

In response to a question asked by Heier, Hoppe stated the animals on the property belong to him.

Robin Hendricksen, Chief Deputy County Assessor, stated it is the position of the Assessor's Office that the boarding of pleasure horses is not an agricultural use. He noted that there is a recent case, *Palmer vs. the Board of Equalization*, in the Colorado Court of Appeals which stated that the land for boarding of pleasure horses is not an agricultural use. He recommended that the appeal be denied.

Dave Johnson, Deputy County Attorney, stated in reviewing Statute 77-1361(2) you get a plain meaning which could fit what Mr. Hoppe says or what the County Assessor's says.

In response to a question asked by Hudkins regarding the location of the property, Hoppe stated it is located at 85th and "A" Streets.

Hudkins asked Hoppe if he was raising horses for income or pleasure.

Hoppe stated that it is a hobby.

MOTION: Workman moved and Steinman seconded to accept the recommendation of the County Assessor and deny the appeal filed by Ward F Hoppe on greenbelt status. On call Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

10) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
County Clerk

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- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 19, 1999.**

MOTION: Workman moved and Heier seconded approval. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

The Clerk announced that New Business Item 4L would be heard next.

Setting of salary for Matthew Acton, Deputy County Attorney, at \$38,000 per annum, beginning October 18, 1999.

Gary Lacey, County Attorney, introduced Matthew Acton to the County Board.

MOTION: Steinman moved and Heier seconded approval. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

An application for a Class M Bottle Club liquor license from Rasmussens' on the Lake LLC dba/ "P.O. Pears on the Lake" located at 10005 West Davey Road in Lancaster County, Nebraska. (19991998) (19992030) (19992084)

The Chair opened the public hearing.

The Clerk administered the oath to Bob Jergensen, Larry Rasmussen and Brian Scherbarth.

Bob Jergensen, P O Pears, explained that they are adding a liquor license for the restaurant.

Jergensen also stated he would be working there, however, Brian Scherbarth, an employee at P O Pears for the past eight years, would be managing it.

In response to a question asked by Steinman, Jergensen stated their agreement states the restaurant will be open from Memorial Day weekend to Labor Day weekend. He said they are open at the current time to see how the sale of alcoholic beverages affects the business.

Brian Scherbarth, manager, stated they are currently open Thursday through Sunday from 11:30 a.m. to 10 p.m.

Jergensen stated they are also looking at plans for expansion which would need to be approved by the Nebraska Game and Parks.

Hudkins inquired about the manager's experience in relation to a liquor license.

Scherbarth stated he has completed the *Responsible Hospitality* workshop twice. He added he feels confident about his knowledge regarding the responsibility of a general manager to keep on top of the service and sale of alcoholic beverages.

In relation to a question regarding ownership of the restaurant, Larry Rasmussen, applicant, stated Rasmussen's on the Lake, LLC is the sole owner. He added they have a managing agreement with P O Pears for the operation of the restaurant.

Jergensen stated P O Pears would have final say on the management.

Hudkins expressed concern regarding the economic impact on restaurants in the surrounding towns.

Jergensen stated their goal is to bring more customers to the area, not putting people out of business.

The Chair asked if anyone else wished to testify in favor.

No one else appeared and the Chair asked if anyone wished to testify in opposition.

The Clerk administered the oath to Roger Powell.

Roger Powell, Route 1, Malcolm, Nebraska, appeared in opposition to the application. He expressed concern that individuals will drink at the restaurant and then get in their boats which is very dangerous.

In response to a question asked by Campbell, Powell stated he owns Branched Oak Inn in Malcolm.

Workman asked if alcohol is served at Powell's establishment.

Powell responded that alcohol is served, however, their customers don't leave the Inn and go to the lake and drive their boats.

The Chair asked if anyone else wished to testify.

Hudkins asked if there are a lot of alcohol related calls for service in the Branched Oak Lake/Pawnee Lake area.

Terry Wagner, County Sheriff, stated over the past three years calls for service at the lakes have dropped dramatically.

Dave Johnson, Deputy County Attorney, requested that the recommendations from the Health Department (Exhibit 1), County Engineer (Exhibit 2) and the County Sheriff (Exhibit 3) be marked and offered.

The Chair closed the public hearing and noted that action would be taken on the liquor license application on Tuesday, October 26, 1999.

4) **NEW BUSINESS:**

A. Grant contracts with payments to be made quarterly with the following agency:

- * **Lincoln Action Program, Inc. for housing and supervision of the Detention Expediter, beginning July 1, 1999 and ending June 30, 2000. The County will pay \$51,800. (19992089)**
- * **Lincoln Action Program, Inc. for additional operating expenses for the Youth Violence Alternatives Program, beginning July 1, 1999 and ending June 30, 2000. The County will pay \$10,000. (19992088)**
- * **Lincoln Action Program, Inc. to hire two Outreach Specialists in the Youth Violence Alternatives Program, beginning August 1, 1999 and ending July 31, 2000. The County will pay \$44,523. (19992087)**

MOTION: Heier moved and Workman seconded approval. On call Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

- B. An agreement with the University of Nebraska and the City of Lincoln Housing Authority for operating the Nutrition Education Program for limited income clientele in rural Lancaster County. The County's total contribution for the period of September 1, 1999 through August 31, 2000 is \$11,347. (19992086)**

MOTION: Steinman moved and Hudkins seconded approval. On call Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

- C. A contract with Mobile Dental Service for dental and related services for residents at Lancaster Manor, beginning November 1, 1999 and ending October 31, 2002. Pricing for services and supply/medication items will be in compliance with the Medicaid published fee schedule and all individual insurance and Medicaid charges will be billed direct by the contractor. (19992097)**

MOTION: Workman moved and Steinman seconded approval. On call Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

- D. Authorization of the installation of a three ton weight limit sign on the Drive Bridge downstream from C-85 located on the north side of West Raymond Road east of Northwest 12th Street in Lancaster County, Nebraska. (19992096)**

Don Thomas, County Engineer, gave a brief history explaining that when the road was graded and right-of-way acquisition was completed in the mid 1970's the bridge was to be outside the 33 feet of right-of-way, however, half of it was inside the new 50 foot taking. The County Board then granted an easement to the landowner to have the bridge sit on County property, but the signatures weren't notarized and the easement wasn't recorded making ownership of the bridge half the landowner's and half the County's.

MOTION: Heier moved and Workman seconded approval. On call Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

- E. A resolution amending the 1999 through 2004 Fiscal One and Six-Year Lancaster County Road and Bridge Improvement Program to add to the One Year Plan the grading and rocking of North 27th Street beginning one-half mile north of Little Salt Road and ending at Ashland Road in Lancaster County, Nebraska. (Project C55-#28) (19992024)**

MOTION: Steinman moved and Heier seconded approval of Resolution 99-2024. On call Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

- F. Approval of professional liability insurance through the NLADA Insurance program for the Public Defender's Office, in the amount of \$6,375. (19992095)**

MOTION: Steinman moved and Heier seconded approval. On call Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

- G. Recommendation from the County Engineer and the Purchasing Agent to award a bid for production and hauling of gravel surface coarse material to various County stockpiles to Western/Lyman-Richey JOINT VENTURE, for a total cost of hauling and production of \$456,570. (19992102)**

Don Thomas, County Engineer, stated neither Western Sand and Gravel or Lyman-Richey have enough material, individually, to fulfill the contract. He explained the businesses would like to enter into a joint venture because Lyman-Richey has three pits and Western Sand has two pits which would give them the opportunity to haul from five pits. Thomas said seven of the nine sites which were bid last spring will have the same haul rates.

MOTION: Heier moved and Steinman seconded approval. On call Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

- H. Recommendation from the County Engineer and the Purchasing Agent to award a bid to B. A. B., Inc., in the amount of \$23,279, for seeding and overseeding at the following locations: (19992101)**

- * **West Davey Road from Northwest 30th Street east to Northwest 14th Street**
- * **East Fletcher Avenue from North 84th Street east to Northwest 120th Street**
- * **East Holdrege Street from North 120th Street east to North 148th Street**
- * **East Van Dorn Street from South 98th Street east to South 112th Street**

MOTION: Steinman moved and Heier seconded approval. On call Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

- I. Authorization for National Bank of Commerce to make payment from the Construction Fund for closing costs relative to the issuance of bonds for the juvenile detention facility to Standard and Poor's for the bond rating, in the amount of \$9,000, to Settell's Inc. for printing, in the amount of \$1,786.86 and to National Bank of Commerce for Trustee fees, in the amount of \$768. (19992060)**

MOTION: Steinman moved and Workman seconded approval. On call Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

- J. Authorization for National Bank of Commerce, as Trustee, to disburse funds from the juvenile detention center bond proceeds to Moody's Investors Service, in the amount of \$9,500 for bond issuance expense and to Olsson Associates, in the amount of \$960, for survey services. (19992076)**

MOTION: Hudkins moved and Steinman seconded approval. On call Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

- K. Authorization for National Bank of Commerce, as Trustee, to disburse \$151,772.19 from the juvenile detention center bond proceeds to Sinclair Hille and Associates for architectural services. (19992094)**

MOTION: Steinman moved and Heier seconded approval. On call Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

- L. Setting of salary for Matthew Acton, Deputy County Attorney, at \$38,000 per annum, beginning October 18, 1999.**

Item moved forward on the agenda.

- M. A political subdivision tort claim filed against the Corrections Department by M C Townsend for lost property, in the amount of \$100. (19992082)**

MOTION: Steinman moved and Workman seconded to accept the Director's recommendation and deny the tort claim filed by M C Townsend. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

5) **ANNOUNCEMENTS:**

Campbell requested that the Staff Meeting to be held on Thursday, October 21, 1999 begin at 8 a.m. instead of 8:15 a.m. because of the large number of items to be discussed.

Hudkins stated he objected because of no advance notice and attendance at other meetings.

Both Hudkins and Heier stated they would try to reschedule earlier meetings in order to be at the Staff Meeting at 8 a.m. on October 21, 1999.

6) **ADJOURNMENT:**

MOTION: Heier moved and Steinman seconded adjournment. On call Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk